

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., and
T.D.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS, a Utah
corporation,

Defendants.

NO. 04-2338 RSM

[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION IN
LIMINE TO EXCLUDE CLERGY-
PENITENT COMMUNICATION

THIS MATTER came before the Court upon Defendant's Motion in Limine to Exclude Clergy-Penitent Communication. In particular, Defendant moved to exclude a conversation between Richard Pettit and Bishop Randall Borland in which Mr. Pettit disclosed to Bishop Borland that Mr. Pettit's son had been inappropriately touched by Jack Loholt. Defendant argues that the clergy-penitent privilege and Bishop Borland's Free Exercise rights under the First Amendment precluded Bishop Borland from disclosing that communication to any other person.

ORDER - 1
No. 04-2338 RSM

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1 Defendant thus argues that since Bishop Borland could not disclose the communication to
2 anyone it is irrelevant.
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5 The Court has considered the motion, Plaintiff's opposition and Defendant's reply.
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7 Based upon the foregoing, it is hereby
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9 ORDERED, ADJUDGED AND DECREED that the motion is GRANTED.
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11 DATED this _____ day of _____, 2006
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16 THE HONORABLE RICARDO S. MARTINEZ
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19 Presented by:

20 **GORDON MURRAY TILDEN LLP**
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24 By 

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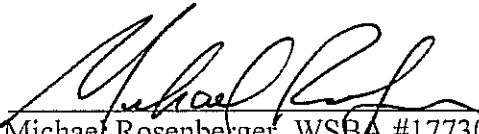
CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following. The parties will additionally be served in the manner indicated.

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By


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